AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE   Page 8
Serial Number:10/661,160   Dkt: 2050.003USI
Filing Date: September 12, 2003
Title: METHOD AND SYSTEM TO GENERATE AND TRANSMIT AUTHORING DATA ASSOCIATED WITH DISTRIBUTED
    CONTENT, FOR INCLUSION WITHIN AUTHORED CONTENT

REMARKS

This responds to the Final Office Action dated May 13, 2008.

Claims 1 to 31 and 41 are amended, claims 32 to 40 and 42 are canceled, and no claims are added; as a result, claims 1 to 31 and 41 are now pending in this application.

§101 Rejection of the Claims

Claim 41 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In accordance with M.P.E.P §706.07(a), a second or any subsequent actions on the merits cannot be made final if "the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement". The Final Office Action dated May 13, 2008 introduces a new 35 U.S.C. § 101 rejection of claim 41. The previous Office Action dated October 25, 2007 did not reject claim 41 under 35 U.S.C. § 101 nor did the Applicants amend claim 41 to justify a new 35 U.S.C. § 101 rejection. Since a new ground of rejection is introduced, this second Office Action cannot be made final. Accordingly, the Applicants respectfully request this second Office Action to be made non-final.

Claim Objections

Claim 42 was objected to as being informal, on the grounds that a cancelled claim cannot include any text. Appropriate correction has been made to claim 42 by removing the text.

§103 Rejection of the Claims

Claims 1-16 and 18-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McKissick et al. (U.S. Patent Application Publication No. 2007/0124795, hereinafter referred to as the McKissick reference) in view of Goodman et al. (U.S. Patent No. 6,427,238, hereinafter referred to as the Goodman reference). The applicants respectfully traverse.

The system of the present invention discloses a system for providing the users of an interactive television receiver system with a full multi-media experience. In particular, the system of the present invention allows television content to be transmitted along with associated

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE   Page 9
Serial Number:10/661,160   Dkt: 2050.003US1
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authoring data and an authoring application that allows a user to create new content using the authoring data associated with the television content. Using an example presented in paragraph [0048] of the present application, a Disney cartoon may be the television content and the associated authoring data may comprise images of the drawing graphics relevant to the characters in the television scenes. The television content and the authoring data may be 'associated' in many different manners. For example, paragraph [0048] specifies that the television content and the authoring data may be associated using timecodes or content identifiers. Before broadcast, a multiplexer multiplexes together the television content, the associated authoring data, and the authoring application that uses the authoring data into a single stream. Specifically, **Figure 3** of the present invention illustrates a multiplexed data stream **68** containing content modules **76** (carrying television content), data modules **74** (carrying the associated authoring data **78**), and code modules **72** (carrying the authoring application **98**. This proximate multiplexing together of the television content, the associated authoring data, and the authoring application allows the associated authoring data to be available around the same time that the related television content is displayed to the viewer. Thus, a viewer watching particular television content may access the associated authoring content (and the needed authoring application) upon viewing the television content.

The examiner rejected claims 1-16 and 18-41 as being unpatentable over <u>McKissick</u> in view of the <u>Goodman</u> reference. However, a combination of the two references would not anticipate or render obvious the invention claimed in the amended independent claims 1, 23, and 41 that specifically call for the "proximate multiplexing together said television content, said authoring data, and said authoring application." This proximate multiplexing provides for the most convenient and intuitive system since the specific authoring data that is associated to the current television content will be immediately available to the user. Furthermore, such a system allows for more efficient memory usage since a system will not need to decode and store authoring content in memory until that particular authoring content is needed. If a user switches channels or a particular television program ends, the system will then begin decoding and storing new authoring content related to the new television programming. The remaining claims are dependent on the amendment independent claims and are thus likewise allowable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4058 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.
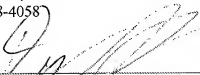
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this _14_ day of June, 2008.

Name _____

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